

**TRIBAL COUNCIL MEETING MINUTES
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN NATION, MONTANA**

Volume 17 Number 49
Council Chambers, Pablo, MT

Held: May 18, 2017
Approved: May 25, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Ronald Trahan; Dennis Clairmont; and Leonard Gray.

MEMBERS ABSENT: Patty Stevens (Personal Time Off); Carole Lankford (Billings, Montana); and Shelly Fyant (Women 4 Wellness).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Bill Kehoe, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Ron Trahan.

The **Tribal Council Meeting Minutes** for May 11, 2017 were presented for approval.

MOTION by Ron Trahan to approve the Tribal Council Meeting Minutes for May 11, 2017, with corrections. Seconded by Anita Matt. Carried, unanimous (7 present).

The **agenda** was presented for approval. No conflicts of interest were identified.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Troy Felsman. Carried, unanimous (7 present).

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to assist the nonmember of the Elmo community with \$600 and a small wake kit. Seconded by Troy Felsman. Carried, unanimous (7 present).

Troy Felsman made a request from the Mission Valley Honor Guard for a

tribal flag for the Memorial Day services at the Jocko Cemetery. It was the **consensus** of council to donate a flag.

Kelly Parker, Department of Human Resources Development, requested approval to enter into a contract with Donetta Klein in the amount of \$10,000 for this project year to provide grant writing and evaluating services for the CTAS grant. This project was bid out and Donetta was the only responsive bidder.

MOTION by Troy Felsman to enter into a contract with Donetta Klein in the amount of \$10,000 for this project year to provide grant writing and evaluating services for the CTAS grant. Seconded by Ron Trahan. Carried, unanimous (7 present).

Melanie Piedalue, Personnel Department, provided background information on supplemental insurance coverages available to tribal employees that are offered through UNUM, Aflac and Colonial. The Personnel Department is not involved in the supplemental coverages. **Troy Felsman** suggested having an insurance broker. **Derek Talley**, GITW Benefits, gave an overview of the products that GITW Benefits provides. GITW provides voluntary benefits to 85 tribes and is the largest group in the United States that works with tribes. The products that GITW wants to provide to employees are a critical illness policy and an accident policy. Melanie recommended offering one service through GITW on payroll deduction instead of having several payroll deductions. Employees could retain their coverage through UNUM, Aflac and Colonial by paying the premiums on their own since it would no longer be available through payroll deduction. It was the **consensus** of council to move forward with one provider.

***** **Break** *****

Janet Camel, Economic Development, gave an update on the Hot Springs Wellness Center. The feasibility study showed that the \$10 million would not be feasible for a motel. The consultant recommended building cabins and a smaller scale bathhouse facility. The facility could be built larger as revenue increased. Grant funding is available to do a cost analysis for cabins and the market for those cabins as well as a smaller bathhouse building. **Leonard Gray** liked the option of having an RV park and smaller units at that location. It was the **consensus** of council to continue exploring options.

John Harrison, Legal Department; **Tom McDonald**, **Dan McClure**, **Pablo "Chib" Espinoza**, and **Germaine White**, Natural Resources Department; gave an update on bison issues and a series of upcoming meetings on Yellowstone bison management. There is an IBMP meeting on the 24th. Tom wants the CSKT to host a meeting with tribal participants on the 25th at Gray Wolf to prepare for the August 3 meeting in Bozeman. There is a conference call on the

Tribal Council Meeting Minutes
May 18, 2017

25th from 12:00 p.m. – 2:00 p.m. There is a field trip on August 2 prior to the IBMP meeting on August 3. The CSKT will hold a partner's meeting on August 1 in Bozeman. It was recommended that hunters cease to hunt by March 1 and to take measures to improve safety at Beatie Gulch by having a draw system. **Len TwoTeeth** discussed an issue regarding hunters on social media. John advised that the enforcement issues will be discussed at the management meetings. He is unaware of the status of any citations at this point. John encourages all the tribes to have uniform regulations and respect for law enforcement officers.

***** **Break** *****

Rhonda Swaney, Legal Department; and **Joe Hovenkotter**, Energy Keepers, Inc.; requested approval of an application to file for an increased water rights claim at SKQ Dam. The amount of water EKI has calculated that the SKQ Project processes as a result of post-1973 upgrades to SKQ Project generating units (a) for power generation (MPC Claim # 76L – 94408-00/DNRC # 76L-30032435): Diversion Capacity of 16,800 cfs (a 2,260 cfs increase over existing claim); Reservoir Capacity of 1,220,000 acre-feet; Claimed Diversion Volume of 10,604,229 acre-feet (a minor increase due to rounding). (b) for storage (MPC Claim # 76L-94409-00)/DNRC # 76L-30031747): Reservoir Surface Area of 126,000 acres; Reservoir Capacity of 1,220,000 acre-feet; Claimed Diversion Volume of 10,604,229 acre-feet; and Maximum Annual Diversion Volume limited to 126,000 acre-feet (net evaporation). The Legal Department recommended the change application.

MOTION by Dennis Clairmont to seek amendments to MPC's original claims for the SKQ Project. Seconded by Troy Felsman. Carried, unanimous (7 present).

***** **Lunch** *****

Council met in **executive session** to conduct interviews for the Associate Judge of the Tribal Court vacancy. **Melanie Piedalue** and **Shelley Grenier**, Personnel Department; and **Winona Tanner**, Chief Judge, were present for interviews.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Leonard Gray to accept the results of the ballot and offer the Associate Judge of the Tribal Court unexpired term to Constance Morigeau. Seconded by Dennis Clairmont. Carried, 5 for; 1 opposed (Len TwoTeeth); 1 abstention (Ron Trahan).

Joe Durglo and **Brenda Bodnar**, Tribal Health Department, requested approval to hire Jacob Hugs as Assistant Leader; Juliana Marengo as Assistant Leader; Mahalia Hendren as Leader; Kyler Rutz as Leader; Tate Weingart as Leader; Rebecca Whitesell as Leader; and Elizabeth Whitesell as Leader for the Summer Youth Leadership Program, due to the lack of tribal member applicants. There are a total of 20 high school and 10 college positions. The positions were advertised for two weeks and all qualified tribal member applicants were hired.

MOTION by Anita Matt to authorize the hire of Jacob Hugs as an Assistant Leader for the Summer Youth Leadership Program, due to a lack of tribal member applicants. Seconded by Leonard Gray. Carried, unanimous (7 present).

MOTION by Ron Trahan to authorize the hire of Juliana Marengo as an Assistant Leader for the Summer Youth Leadership Program, due to a lack of tribal member applicants. Seconded by Anita Matt. Carried, unanimous (7 present).

MOTION by Troy Felsman to authorize the hire of Mahalia Hendren as a Leader for the Summer Youth Leadership Program, due to a lack of tribal member applicants. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

MOTION by Dennis Clairmont to authorize the hire of Kyler Rutz as a Leader for the Summer Youth Leadership Program, due to a lack of tribal member applicants. Seconded by Leonard Gray. Carried, unanimous (7 present).

MOTION by Anita Matt to authorize the hire of Tate Weingart as a Leader for the Summer Youth Leadership Program, due to lack of tribal member applicants. Seconded by Ron Trahan. Carried, unanimous (7 present).

MOTION by Leonard Gray to authorize the hire of Rebecca Whitesell as a Leader for the Summer Youth Leadership Program, due to a lack of tribal member applicants. Seconded by Anita Matt. Carried, unanimous (7 present).

MOTION by Dennis Clairmont to authorize the hire of Elizabeth Whitesell as a Leader for the Summer Youth Leadership Program, due to a lack of tribal member applicants. Seconded by Ron Trahan. Carried, unanimous (7 present).

Len TwoTeeth requested that tribal council be provided a list of all the participants in the Summer Youth Leadership Program. **Joe Durglo** will follow

up. Discussion was held on the Circle of Trust and Youth Leadership funding. **Council** directed Joe Durglo to inform the THD administration to provide the information and an explanation to tribal council.

Joe Durglo and **Corrie McDonald**, Tribal Health Department, requested approval of the following contracts for EPIC: a contract with Nuvodia Software Hardware – Radiology; the Pioneer Pharmacy Agreement; a contract with Inland Imaging – Radiologist Group; a contract with Cimarron – Data Migration; and a four-month consultant contract with Tony Fisher.

MOTION by Troy Felsman to approve a four-month consultant contract with Tony Fisher. Seconded by Leonard Gray. Carried, unanimous (7 present).

MOTION by Ron Trahan to approve the Pioneer Pharmacy Agreement for one year. Seconded by Leonard Gray. Carried, unanimous (7 present).

MOTION by Ron Trahan to approve a 3-year contract with Nuvodia, pending legal review. Seconded by Troy Felsman. Carried, unanimous (7 present).

MOTION by Troy Felsman to approve a 3-year contract with Inland Imaging. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

MOTION by Anita Matt to approve the contract with Cimarron Data in the amount of \$25,000 through the end of 2017. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Joe Durglo, Tribal Health Department, presented a draft proclamation. Council requested edits. Joe will make the changes and present again next week.

Joe Durglo, Tribal Health Department, met with council in **executive session**.

Council reconvened into **regular session**.

***** **Break** *****

Carolee Wenderoth, Tribal Lands Department, presented for approval a resolution authorizing the partitionment of Flathead Allotment 2009-B as requested by Curtis Auld and Randi Wingender.

MOTION by Len TwoTeeth to approve by resolution the partitionment of Flathead Allotment 2009-B as requested by Curtis Auld and Randi Wingender. Seconded by Troy Felsman. Carried, 6 for; 0 opposed; 1 not

voting (Ron Trahan out of the room).

RESOLUTION 17-135

RESOLUTION AUTHORIZING THE PARTITIONMENT OF FLATHEAD ALLOTMENT NO. 2009-B

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:

WHEREAS, The Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402); and

WHEREAS, Curtis M. Auld, Randi C. Wingender, have offered to partition with The Confederated Salish and Kootenai Tribes, their undivided all right, title and interest in Flathead Allotment 2009-B, described as follows: NW¹/₄SE¹/₄SW¹/₄, W¹/₂NE¹/₄SW¹/₄, NE¹/₄SW¹/₄SE¹/₄SW¹/₄, W¹/₂SW¹/₄SE¹/₄SW¹/₄, Section 24, Township 24 North, Range 22 West, P.M.M., Lake County, Montana, containing 37.50 acres, more or less.

WHEREAS, the Tribal Council has agreed to partition the above described property as follows:

Confederated Salish and Kootenai Tribes: Flathead Allotment No. 2009-B - The NE¹/₄SW¹/₄NE¹/₄SW¹/₄, S¹/₂SW¹/₄NE¹/₄SW¹/₄, NW¹/₄SE¹/₄SW¹/₄, N¹/₂SW¹/₄SE¹/₄SW¹/₄, SW¹/₄SW¹/₄SE¹/₄SW¹/₄, Section 24, Township 24 North, Range 22 West, P.M.M., Lake County, Montana, containing 25.00 acres, more or less.

Curtis M. Auld: A portion of Flathead Allotment No. 2009-B - Creating Allotment Flathead Allotment No. 2009-F - The N¹/₂NW¹/₄NE¹/₄SW¹/₄, E¹/₂SE¹/₄NW¹/₄NE¹/₄SW¹/₄, of Section 24, Township 24 North, Range 22 West, P.M.M., Lake County, Montana, containing 6.25 acres, more or less.

Randi C. Wingender: A portion of Flathead Allotment No. 2009-B - Creating Flathead Allotment No. 2009-G - The SW¹/₄NW¹/₄NE¹/₄SW¹/₄, W¹/₂SE¹/₄NW¹/₄NE¹/₄SW¹/₄, NW¹/₄SW¹/₄NE¹/₄SW¹/₄ of Section 24, Township 24 North, Range 22 West, P.M.M., Lake County, Montana, containing 6.25 acres, more or less.

BE IT RESOLVED, that the above-described property be partitioned between the Confederated Salish and Kootenai Tribes, Curtis M. Auld and Randi C. Wingender.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Tribal Council or his delegated representative is authorized to execute the

transactional documents necessary to complete the conveyance for real property situated in Lake County, Montana.

Carolee Wenderoth and **Tara Irvine**, Tribal Lands Department, presented a request from Clayton Malatare to use the Arlee baseball fields the weekend of June 29 – July 3, 2017 for a softball event. The Lands staff recommended the approval of a permit as long as the following requirements are met: (1) payment of a \$300 cash bond; (2) proof of liability insurance; and (3) Arlee Baseball Association statement supporting the use on the weekend requested.

MOTION by Troy Felsman to allow Clayton Malatare to use the Arlee baseball fields the weekend of June 29 – July 3, 2017 for a softball event as long as the following requirements are met: (1) payment of a \$300 cash bond; (2) proof of liability insurance; and (3) Arlee Baseball Association statement supporting the use on the weekend requested. Seconded by Dennis Clairmont. Carried, unanimous (6 present – Ron Trahan out of the room).

Carolee Wenderoth and **Tara Irvine**, Tribal Lands Department, presented a request from Brad Pluff, Black Raptor Fireworks, for a six-month revocable permit to operate a fireworks stand on Tribal Tract T4849. Lands staff recommended approval of the permit as long as the following requirements are met: (1) a one-time payment of \$2,000; (2) proof of liability insurance coverage; and (3) acquire a bond.

MOTION by Anita Matt to grant Brad Pluff, Black Raptor Fireworks, a six-month revocable permit to operate a fireworks stand on Tribal Tract T4849, as long as the following requirements are met: (1) a one-time payment of \$2,000; (2) proof of liability insurance coverage; and (3) acquire a bond. Seconded by Troy Felsman. Carried, 5 for; 2 abstentions (Ron Trahan and Leonard Gray).

Carolee Wenderoth, Tribal Lands Department, requested approval of a modification to Contract 17-056 with Marengo Carpet Cleaning to increase the not-to-exceed amount to \$16,000 to pay the remaining balance owed for drying and cleaning the leak at the former Black Bear Ranch property.

MOTION by Len TwoTeeth to approve a modification to Contract 17-056 with Marengo Carpet Cleaning to increase the not-to-exceed amount to \$16,000 to pay the remaining balance owed for drying and cleaning the leak at the former Black Bear Ranch property. Seconded by Troy Felsman. Carried, unanimous (7 present).

Carolee Wenderoth and **Tara Irvine**, Tribal Lands Department, presented a request from One Heart to enter into a business lease for the former Black Bear Ranch property, containing 400 acres in Niarada, to operate a safe and sober

living facility. The Lands staff recommended approval of a five-year business lease with the option to renew as long as the following requirements are met: (1) \$1.00 annual rental payment; (2) proof of liability insurance coverage; and (3) acquire a bond.

MOTION by Len TwoTeeth to enter into a five-year business lease with One Heart for the former Black Bear Ranch property to operate a safe and sober living facility, with the option to renew as long as the following requirements are met: (1) \$1.00 annual rental payment; (2) proof of liability insurance coverage; and (3) acquire a bond. Seconded by Troy Felsman. Carried, unanimous (7 present).

Kevin Askan, Kyle Felsman, Mary Rogers, and Katie McDonald, Preservation Department, gave an update on departmental activities. The department is developing a monitoring plan. Kevin recommended that a seven-member Preservation Board be established as required by the ordinance. The Elders Committees have been used as the Board but a board needs to be put in place to address the violations and citations. July 11 the Malmstrom Air Force Base wants to have a government-to-government consultation with tribal leaders.

Lydia Hewankorn, Jay Brewer, Steve Clairmont, Levi Hewankorn, and David Rosenbrock gave an update on Kuki Akiwly. At this point they will only serve the Elmo community. **Chairman Finley** asked them to consider using the name One Heart or change the name to include others. They have begun the accreditation process. The group hopes to have a 30-bed facility by year 5 as part of the lease improvements. They want to initiate discussions to identify options for the Tribes to capitalize this. Council advised that the request would need to go to the budget committee. Lydia wants a change of duty for employees to participate in a meeting with a different facility in Kalispell. **Len TwoTeeth** asked Lydia to gather the names and he will make the request to tribal council next week. **Carolee Wenderoth** announced that One Heart is invited to the department head meeting on the 31st to identify possible resources from tribal programs.

Jeanne Christopher, Early Childhood Services; and **Lula Howard**, AIAN Office of Head Start; introduced Lula to council. Lula is from Washington, DC. She is the grant specialist for the TELI grant and is visiting the program this week.

Shandin Pete, Vincent Medicine Horse and **Stefan Martinez**, Salish Kootenai College Hydrology Program, gave a presentation on the student research in Tribal Ethnohydrologic Observation.

MOTION by Leonard Gray to adjourn the meeting. Seconded by Dennis Clairmont. Carried, unanimous (6 present – Ron Trahan out of the

Tribal Council Meeting Minutes
May 18, 2017

room).

Council **adjourned** at 5:25 p.m., and is scheduled to meet again on Tuesday, May 23, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary